

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

BANQUE CANTONALE VAUDOISE,

Defendant.

Adv. Pro. No. 12-01694 (CGM)

**STIPULATION AND ORDER
EXTENDING DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “Trustee”), and Defendant Banque Cantonale Vaudoise (“BCV”) through their respective counsel.

RECITALS

A. On March 7, 2022, BCV filed its *Motion to Dismiss the Complaint* in this Adversary Proceeding, No. 12-01694 (CGM) [ECF No. 92].

B. On July 14, 2022, following briefing by the parties, this Court issued its *Memorandum Decision Denying Defendant's Motion to Dismiss* [ECF No. 107].

C. On July 21, 2022, based on the Memorandum Decision, this Court entered its *Order Denying Banque Cantonale Vaudoise's Motion to Dismiss the Complaint* [ECF No. 108] (the "**July 21, 2022 Order**").

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the July 21, 2022 Order is 14 days after entry of the order, *i.e.*, on August 4, 2022.

E. BCV seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party's motion that is filed within the time prescribed by Rule 8002, *i.e.*, by August 4, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to August 25, 2022.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to BCV's request to extend its time to appeal to August 25, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by BCV for extension of time for filing (a) a notice of appeal of the July 21, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “**Required Filings**”), through and including August 25, 2022 (the “**Extended Filing Deadline**”).
2. The Trustee consents to BCV’s motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).
3. Accordingly, if BCV wishes to appeal the July 21, 2022 Order, BCV shall make the Required Filings by the Extended Filing Deadline.

[Remainder of this page left intentionally blank]

Dated: July 21, 2022
New York, New York

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*Attorneys for Defendant
Banque Cantonale
Vaudoise*

IT IS SO ORDERED

**Dated: July 22, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**